

## Department of Planning and Budget 2010 Fiscal Impact Statement

**1. Bill Number:** SB106

**House of Origin**    \_\_\_ Introduced     X  Substitute    \_\_\_ Engrossed  
**Second House**    \_\_\_ In Committee    \_\_\_ Substitute    \_\_\_ Enrolled

**2. Patron:** McDougle

**3. Committee:** Courts of Justice

**4. Title:**        **Certificates of analysis and affidavits**

**5. Summary:** This bill clarifies that the provisions requiring notification of defendants by the Commonwealth must be followed only if the certificate or affidavit is to be used in lieu of testimony. The bill also requires the defendant to provide the Commonwealth with a certificate of analysis no later than 14 days before trial if the accused intends to introduce an independent blood analysis, and makes some other changes to legislation enacted during the August 2009 Special Session in response to the United States Supreme Court decision in *Melendez-Diaz v. Massachusetts*, 557 U.S. (June 25, 2009).

**6. No fiscal impact.** Final.

**7. Budget amendment necessary:** No.

**8. Fiscal implications:** The bill provides clarification to existing statutes. The amended legislation could result in the need to provide additional documents to defendants. However, the fiscal impact for providing these documents is anticipated to be negligible.

**9. Specific agency or political subdivisions affected:** Commonwealth Attorneys, Department of Forensic Science, Office of the Chief Medical Examiner, Consolidated Laboratories.

**10. Technical amendment necessary:** The amended bill replaces the definition of certificate of analysis as including “affidavits and reports of examination” with “reports of analysis and requests for laboratory examination.” A Request for Laboratory Examination refers to a specific form that accompanies physical evidence from law enforcement to the appropriate laboratory and contains chain of custody information. Consideration may be given to replacing “requests for” with “results of.”

**11. Other comments:** None.

**Date:** 1/28/10/jlv

**Document:** G:\10-12\FIS\SB106S1.Doc Janet Vogelgesang

Cc: Secretary of Public Safety